

THOMPSON - Direct

1 MR. LUCKNER: Do you want her to hand  
2 the used exhibits to you or do you want her to just  
3 put them --

4 Q. Okay. Just so you don't wind up with a  
5 whole stack of papers in front of you, just put the  
6 ones we've already used, just kind of put them here  
7 in the middle.

8 A. Oh, okay.

9 Q. Okay. I'm showing you what's been marked  
10 as D-3 for Identification.

11 Have you ever seen this document before?

12 A. Yes, it looks familiar.

13 Q. Okay. So you were aware that Liberty  
14 Mutual had an equal employment opportunity policy?

15 A. Yes.

16 Q. Okay. And you were aware that stated that  
17 Liberty Mutual did not tolerate discrimination based  
18 on race, disability, pregnancy or any other  
19 protected category?

20 A. Yes. Per the document.

21 Q. Okay. And at the bottom of this policy  
22 beneath the line it says, The Employee Handbook does  
23 not alter the at-will nature of your employment,  
24 and the policies that it contains should not be  
25 construed to create a contract of any kind.

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1 Evaluation, 1/1/13 - 12/31/13, Bates Nos. D-0056  
2 thru D-0061 is received and marked D-17 for  
3 Identification.)

4 BY MR. LUCKNER:

5 Q. Okay. I show you what's been marked as  
6 D-17 for Identification. It is approximately six  
7 pages, labeled D-0056 through D-0061. It's  
8 entitled 2013 Objective Setting and Performance  
9 Evaluation.

10 Have you ever seen this document before?

11 A. Yes.

12 Q. Okay. And can you tell me what this  
13 document is?

14 A. Uhm, this is usually what they come up  
15 with -- this is the goals or framework of what  
16 they're working on with the employee for the next  
17 -- or for the year, the current year.

18 Q. Okay. So it's got -- it's called the  
19 same thing as the prior ones, right, it's an OSPE,  
20 an Objective Setting Performance Evaluation?

21 Okay. And is this your annual review for  
22 the year 2013?

23 A. Yes. But I did not see this. I was not  
24 at work.

25 Q. Okay. And it's for the period January 1,

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1 four it's got a -- the development activity of  
2 Meet total settlement goal of 10.

3 Do you see that?

4 A. Yes.

5 Q. Okay. And then in the Results it says,  
6 Latoya has not met the monthly settlement goal with  
7 an average of 8.5 settlements per month. She is  
8 also short on her closure goal with an average of  
9 15.5 closures per month.

10 And I guess the goal was 20. Do you see  
11 that?

12 A. Yes, I see that.

13 Q. Okay. Is that accurate for 2013?

14 A. Yes, because I wasn't there the whole  
15 year.

16 Q. Well, it's based on months so --  
17 correct? It was your average per month.

18 Do you think that they divided it by all  
19 the months of the year?

20 A. That I cannot definitively say, but I  
21 -- based on this it would be incorrect. Or it would  
22 mean that everybody else didn't meet the quota,  
23 because I had the highest disposition in the team.

24 Q. Okay. So it's your understanding that  
25 nobody else met the quota if you didn't meet the

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1 the page. There's a section called Areas of  
2 Concern.

3 Do you see that?

4 A. Yes.

5 Q. And there is a -- it states, As we  
6 discussed previously on 6/11/14, you failed to  
7 post two resolution strategies within the 14 days.  
8 On 6/24/14 we discussed your inbox. On that  
9 particular day you had 117 activities due.

10 Do you recall discussing this with your  
11 manager at the time?

12 A. Yes. And Armando was there.

13 Q. Okay. So you, Debra Holt, and Armando  
14 were there.

15 A. Yes. She came over to my desk. I had  
16 -- I had started accumulating my cases 'cause I was  
17 out on disability and I came back April. Right?  
18 So she became the manager in May. And prior what I  
19 did, I managed my case on a rolling basis. So even  
20 though I had a hundred and something, I may have  
21 zero the next day. It didn't matter, because  
22 whatever I got to, I got it to. And I get to every  
23 single case. So it was on a rolling basis.

24 I spoke with Debra Holt and Armando.  
25 And they suggested that instead of it looking so

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1 people aren't audited while they're out. I was  
2 given a really bad score. I wasn't there to  
3 advocate for myself. And going back to me saying  
4 that the QA is not really an impartial scoring  
5 system because the person knows who they're scoring.  
6 And many people complain of the biases.

7 Q. The QA scores, aren't there checks?

8 A. Randomly. They'll pull one or two for  
9 second level, which Michelle Skibinsky's unit  
10 would do.

11 Q. So there are checks on some of these QA  
12 scores; correct?

13 A. Randomly.

14 Q. To make sure they're being done correctly?  
15 Do you know how randomly they're done?

16 A. Uhm, sometimes -- I don't know  
17 collectively, but I know for a case manager you  
18 might have one that may be randomly second checked  
19 by a QA person. And sometimes you don't have any  
20 'cause somebody else has it, so it's very random.

21 Q. Okay. And part of the expectations over  
22 the next 30 days was that you were gonna continue  
23 to do weekly coaching sessions with Debra Holt?

24 A. Yes.

25 Q. Is that correct?

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1 MR. CIGE: Okay.

2 MR. LUCKNER: Okay. There's 27.

3 (Memo dated June 26, 2015 to Latoya  
4 Thompson from Michelle Skibinsky, Bates No.  
5 D-0160 thru D-0162 is received and marked D-27  
6 for Identification.)

7 THE WITNESS: Thank you.

8 BY MR. LUCKNER:

9 Q. Okay. I show you what's been marked as  
10 D-27 for Identification. Consists of three pages.  
11 They are labeled D-0160 to D-0162.

12 Have you ever seen this document before?

13 A. Yes.

14 Q. Okay. And what is this document?

15 A. Job Performance - Written Warning.

16 Q. Okay. And on the last page, is that your  
17 signature?

18 A. Yes.

19 Q. Okay. And what does it say in handwriting  
20 next to it, just for the record?

21 I think I can read it, but ...

22 A. Oh, God. Basically, the signature is not  
23 agreement, solely compliance.

24 Q. Okay. That's what I thought it said. I  
25 just wanted to make sure.

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1 Q. Okay. And do you -- do you believe that  
2 she was mad about your pregnancy?

3 A. It's possible.

4 Q. Well, anything's possible.

5 Do you have any reason to believe that  
6 she was mad about your pregnancy?

7 A. Lauren Sanseverino, who I was told I was  
8 being disrespected for celebrating, she was also  
9 pregnant at the time. And there were a couple of  
10 other pregnant people in the office, so, you  
11 know -- I don't know.

12 Q. Did she say anything to you when you told  
13 her that you were pregnant that would make you think  
14 that she was mad about you being pregnant?

15 A. It was the treatment that I received. She  
16 did not say anything to me directly, except for an  
17 e-mail, something about my date of going out,  
18 inquiring about that. That was it. And this was  
19 before this write-up.

20 Q. Did she send you any congratulations when  
21 you announced it?

22 A. She sent an e-mail. I don't recall the  
23 exact words that she used in it, but she was  
24 inquiring about my date of departure.

25 Q. Okay. And with regard to this written

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1 to your signature?

2 A. Yes.

3 Q. Okay. Can you tell me just what the  
4 handwriting says?

5 A. Signature for compliance only not  
6 agreement. Rebuttal to follow.

7 Q. Okay. And when you received this  
8 document on June 27, 2016, was it your understanding  
9 that your job performance needed to improve in the  
10 identified areas?

11 A. Yes. As stipulated by Michelle  
12 Skibinsky.

13 Q. Okay. And did you agree --

14 A. No.

15 Q. -- with anything that was in this memo?

16 A. No.

17 Q. Okay. And on the third page it says  
18 that the written warning would last for 30 days;  
19 is that correct?

20 A. Yes.

21 Q. Okay. Actually, this is probation would  
22 be for 30 days; correct?

23 A. Right.

24 Q. Okay. Had you ever been on probation  
25 before?



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1 now, so ...

2 Q. Okay.

3 A. But it was in the morning.

4 Q. Is it between -- before 10:00 o'clock?

5 A. Usually. I think so.

6 Q. Okay. And you had -- you said you had  
7 come to give in your note that day --

8 A. Yes.

9 Q. -- with regard to going out?

10 A. Because I was taken out of work.

11 Q. Okay. So you already had your doctor's  
12 note --

13 A. Yes.

14 Q. -- on the 28th?

15 And when did you get the note from your  
16 doctor putting you out as of the 28th?

17 A. The night before.

18 Q. Okay. So the night of the 27th?

19 A. Yes.

20 Q. And that was the last day of your  
21 probation period; right?

22 A. Yes.

23 Q. And did you give Michelle the note at the  
24 huddle?

25 A. No, I -- I -- I didn't get a chance to

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1 in the office, that she holds a rank higher than  
2 our office.

3 Q. Okay. And on July 29 at about 5:30 p.m.,  
4 you received a call from Maryellen Debellis;  
5 correct?

6 A. I don't know who was on the phone. A  
7 call came in from a Pennsylvania number.

8 Q. Okay. How'd you know it was Pennsylvania  
9 number, just from the area code?

10 A. I have family that lives in Pennsylvania.  
11 So 610 I believe it was.

12 Q. Okay. And did you speak with  
13 Ms. Debellis?

14 A. I -- I said, Hello. And the person was  
15 talking and the call dropped, so I didn't speak to  
16 the person.

17 Q. Okay. Did you try to call the person  
18 back?

19 A. My phone died.

20 Q. Okay. Well, did the call drop or did  
21 your phone die?

22 A. The call dropped. Base -- I don't recall  
23 the specifics of it. But my phone was dead and I  
24 was out in a store. And once I powered up, I tried  
25 to check my voice mail. There was no voice mails

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1 for Identification.)

2 (Pause.)

3 MR. CIGE: I'm going to -- can you just  
4 open that door?

5 (Pause.)

6 THE WITNESS: Thank you.

7 BY MR. LUCKNER:

8 Q. Okay. I show you what's been marked as  
9 Exhibit D-36 for Identification. It consists of  
10 two pages labeled D-0218 and D-0219. It is a  
11 letter addressed to you dated August 1, 2016. And  
12 it is from Maryellen Debellis.

13 Do you see this?

14 A. Yes.

15 Q. Okay. And it was your testimony that  
16 you received this document approximately a week  
17 maybe, at least after it's dated?

18 A. Yes. I -- I -- I am not sure if I got  
19 an e-mail of this prior to getting the physical.  
20 'Cause I -- I said I'd been in contact with the  
21 Human Resources Department when I found out about  
22 the benefits.

23 And then I had to, I think, speak to  
24 Tressa Schnippel, or something like that, so ...

25 Q. Okay.

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1       also a factor?

2           A.     Yes. 'Cause I was supposed to be going  
3       out on disability.

4                   Actually, I was technically on FMLA leave  
5       as of the 29th in the morning. So it's weird that  
6       they're calling me in the evening to terminate me  
7       when I'm already on maternity leave.

8           Q.     Okay. Had you provided the documentation  
9       yet to Liberty Mutual --

10          A.     I did --

11          Q.     -- on the 29th?

12          A.     I did. I did. I sent Liberty Mutual --  
13       everything that I needed to do at that time was  
14       presented, and they confirmed it via e-mail.

15                   You had referenced a document from July  
16       that they sent me with instructions. I did  
17       everything they told me to do at that point and  
18       notified them that I was officially on maternity  
19       leave.

20          Q.     Okay. But that said that you were going  
21       out on August 8, those documents that we reviewed  
22       earlier --

23          A.     Right.

24          Q.     -- correct?

25          A.     And so when I called them at 8:00 o'clock

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1 e-mail.

2 I do think I reviewed her e-mail before  
3 opening that packet, but it's been so long, I can't  
4 give you, like, I did it at this day and this --  
5 like, I can't give you the specific details. But I  
6 did review the e-mail that she sent and I did see it  
7 then. And subsequently, I believe I reviewed the --  
8 the packet that I got later.

9 Q. Okay. How long from between the time you  
10 received -- you actually received the packet 'til  
11 when you actually looked at what was in the packet,  
12 how much time passed?

13 A. I don't know. I was preparing to have a  
14 baby. And I was also told to keep my stress level  
15 down, so my focus at that point was preservation  
16 for myself and my unborn child.

17 Q. Okay. So is it possible that you didn't  
18 open that package for a month?

19 A. It could be possible.

20 Q. Okay. Is it possible you didn't open it  
21 for three months?

22 A. No. It would've been sooner than that.

23 Q. Okay. So somewhere between one and three  
24 months is possible you may have waited to open the  
25 overnight package?

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1 names or...

2 A. No.

3 Q. Okay. All right.

4 MR. LUCKNER: So let's start. This is  
5 37.

6 (E-mail sent 9/14/14 to Jenese Karlen  
7 from Latoya Thompson, Bates No. LIB ESI 0244 is  
8 received and marked D-37 for Identification.)

9 BY MR. LUCKNER:

10 Q. Okay, Ms. Thompson, I show you what  
11 we've marked as D-37 for Identification.

12 Can you take a look at that document and  
13 tell me if you've ever seen it before.

14 A. Yes.

15 Q. Okay. And what is this document?

16 A. This is an e-mail, it appears, from me  
17 to Jenese Karlen. It seems Michael Polk was copied  
18 in, and the subject was a complaint.

19 Q. Okay. And was this the first written  
20 complaint that you filed with Liberty Mutual  
21 regarding the subject matter of this lawsuit?

22 A. Based on my recollection, yes.

23 Q. Okay. And do you -- do you know if HR  
24 investigated this complaint?

25 A. I was told that they did.

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1 referenced that no -- no teammate knew. She  
2 wasn't sitting by me when I pressed print, so  
3 there had to have been a way that she was  
4 monitoring the content that I was printing, or  
5 what -- I don't know. But there had to have been  
6 some way.

7 Q. Okay. But you don't know how Ms.  
8 Skibinsky was aware of this?

9 A. No, I do not.

10 Q. Is it possible that she saw things you  
11 had printed out?

12 A. I don't know how she would've seen things  
13 unless it was done remotely. Because I never  
14 printed something and gave to her.

15 Q. Did you ever -- was there ever a time  
16 that you didn't immediately go to the printer when  
17 you were printing out things?

18 A. Every time I print something I get up --  
19 the printer is literally like 30 seconds walk, if  
20 that. And I will stand there and wait for my stuff.  
21 If it's been not used for awhile it has to warm up.  
22 And I state that here.

23 Q. Is it possible you ever hit the print  
24 button a phone call came in and you had to take the  
25 phone call and you didn't immediately go to the

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1 And then after that you have to reset. Now, I had  
2 a whole bunch of cases on my assignment that weren't  
3 mine, so I had to be slowly acclimated to them.

4 Q. Okay. This is a review given in 2014 for  
5 what happened in 2013; correct?

6 Right? The period of this is January 1,  
7 2013 to December 31 of 2013 --

8 A. Right.

9 Q. -- not 2012?

10 A. But I was not there. No, I was just  
11 referencing. Because 2013 I was basically not  
12 there. But she referenced --

13 Q. You were there for more than half the  
14 year; correct?

15 A. Correct. But the issue that was  
16 referenced, December of 2012, was the fact that  
17 Ann Gambale left the team. And being that I had  
18 the lowest case load, I absorbed majority of her  
19 cases. And at that period we pushed disposition at  
20 the end of the year. So for 2013 it was now getting  
21 used to and working her files. 'Cause I worked more  
22 aggressively than my coworkers.

23 Q. Let's see, the third bullet point  
24 states: Her failure to respond to a civil suit and  
25 refer the document to the appropriate resource



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1 resulted in Liberty inevitably being required to pay  
2 over \$250,000.

3 What was that about?

4 A. This -- I don't know what this is about.  
5 I was told by Debra Holt in 2014 that because of  
6 this bullet it was determined that I would be  
7 terminated. While I was on disability I was told  
8 that Edie McGinn got an e-mail. I didn't do  
9 anything wrong, because I think this had been  
10 something going on from 2012 -- no, 2009. It was  
11 going on prior. And whatever I was supposed to do,  
12 I did it, but the manager failed to do something.  
13 So being that I was not there, I was the one that  
14 was made to be the one that was responsible. And  
15 that was the thing that she told me, that when I  
16 was out a case blew up. And they said when you  
17 were coming back you would be terminated.

18 Q. So it was Edie McGinn didn't do  
19 something?

20 A. Yes.

21 Q. Okay.

22 A. 'Cause she was my supervisor.

23 Q. Okay. So it was Edie McGinn's fault?

24 A. Basically there was an oversight, I was  
25 told. But I did everything that I had to do. I

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1           A.     It was online. I cannot confirm whether  
2     I saw it in April or what time. But I saw it  
3     throughout the year. Because it's there for you  
4     to click on when you go in the system.

5           Q.     Okay. And it had this thing saying that  
6     you failed to respond which resulted in Liberty  
7     being required to pay \$250,000. And you didn't ask  
8     anybody about that?

9           A.     I didn't see -- like I literally did not  
10    read this document. I -- like right now is the  
11    first time that I'm really seeing the details.  
12    Because when I came back in April, in July I  
13    ruptured my Achilles. I was out. When I came back  
14    in August I was written up, told that I didn't do my  
15    work from April to July, and that I had five late  
16    action plans and 18 pieces of mail on my desk.  
17    That was why I was written up. Then they extended  
18    it for another 30 days. During that time there was  
19    an issue with --

20          Q.     I'm -- let me just stop you. I know you  
21    got a story to tell. But my question was very  
22    simple: You never raised this \$250,000 thing in  
23    your review that said Liberty had to pay, correct,  
24    with anybody? You never asked anybody about it.

25          A.     I never asked anybody about it, that's

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1     that Latoya did not take ownership of her lack of  
2     work and she was very quick to put fault on her  
3     coworkers, what do you -- what was meant by that, to  
4     your understanding?

5           A.     Latoya did not take ownership of her lack  
6     of work.

7                     That was alluding to the rebuttal that I  
8     wrote following the write-up. Debra Holt became the  
9     manager May of 2016, I believe. And two  
10    thousand --

11           Q.     You mean '14?

12           A.     '14. Yes.

13           Q.     Okay.

14           A.     Thank you for correcting me.

15                     And I returned to work the -- maybe two,  
16    three weeks before. And at that point I had met  
17    with Edie. We spoke about what I would be working  
18    on moving forward. And it took about a long time  
19    for me to get access to the system. So basically  
20    once she became the manager, she was then trying to  
21    figure out how to deal with the managerial role.  
22    So the only feedback that I ever got from Debra  
23    Holt from May to, I would say, the end of June --  
24    because I ruptured my Achilles July the 6th or 7th  
25    -- was please review claims overview, which is just

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1 putting in data for a case. There was never  
2 anything constructive. Debra Holt was somebody that  
3 I superseded in performance in the unit continually.  
4 And she basically said in the write-up in August  
5 that I neglected 136 cases. And I requested the  
6 numbers. And when I reviewed the cases, these were  
7 all cases that came up on my assignment as of July  
8 the 7th or eight, that weekend. Like so from I was  
9 out on disability all the way up until I returned,  
10 Any action plan that came up, she put it on that  
11 list.

12 And then when I questioned her about it  
13 she said, Oh, well you have one-liners. So her  
14 saying that I did not take accountability was  
15 basically her saying that because I went and  
16 reviewed to show that this popped up while I was  
17 away and it really wasn't on my box, then I'm not  
18 taking responsibility. Which is not valid.

19 Q. So when you say that you superseded  
20 Debra Holt in every category, I think -- or in  
21 performance, I guess -- is that correct?

22 A. With regards to disposition in the  
23 settlement unit I was one of the top producer.  
24 Prior to me it was Geraldine Gabrielle.

25 Q. Okay. Do you know anything about Ms.

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1 Q. Okay. Now, between October of 2014 when  
2 you came off the written warning, and June of 2015,  
3 were you on any warnings, probations, or anything  
4 like that at work?

5 A. No.

6 Q. Okay. So following the initial warning  
7 and then the continuation and then the removal from  
8 the written warning when they were happy with your  
9 work, you didn't have any other issues until June  
10 of 2015; is that correct?

11 A. Right.

12 Q. Okay. And at some point during that  
13 period of time your manager changed from Debra Holt  
14 to Michelle Skibinsky; is that correct?

15 A. Yes. About a month prior to this letter.

16 Q. Okay. So sometime in May of 2015 --

17 A. Approximately.

18 Q. -- Ms. Skibinsky became your manager?

19 Okay. And what did you understand this  
20 document to be?

21 A. I was -- it was just validating that I  
22 was told in the meeting that I was on a verbal  
23 warning. The week before I was told I was going to  
24 be doing voluntary coaching by Mrs. Skibinsky.  
25 Prior to that nobody said anything was wrong with

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1 my work product. She had been a manager for the  
2 unit, you know, a little over a month. Any  
3 correspondence that she gave me, it was positive.  
4 Latoya's responsive, and this and that. So this  
5 was shocking. I'd never had a verbal warning, so  
6 I didn't know what to expect.

7 Q. Okay. And was this solely related to  
8 claim handling and management of your inbox?

9 A. I was told about the copy and paste issue  
10 that I violated the company -- she said I notice  
11 that you occasionally put in your files copy work  
12 from your coworkers. And that's in violation of our  
13 company's copy-and-paste policy.

14 Q. Okay. Is that part of this verbal  
15 warning, though?

16 A. Based on what she wrote here -- let me  
17 just familiarize myself with it.

18 (Pause.)

19 A. She post here, An update regarding the  
20 courts online listed -- listing nor a copy and paste  
21 of prior resolution strategy will not constitute an  
22 updated resolution strategy. I recommend that you  
23 utilize other activities to manage your inbox.  
24 However, this is at your own discretion. You may  
25 also consult with co - with your coworker or

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1 L A T O Y A T H O M P S O N, residing at  
2 51 Willow Lane, Apt 102, Roselle, New  
3 Jersey, having been first duly sworn, was  
4 Examined and testified as follows:

5 DIRECT EXAMINATION BY MR. LUCKNER:

6 Q. Good morning, Ms. Thompson. I'm Steve  
7 Luckner. I hope you remember from yesterday.

8 A. Yes.

9 Q. I'm not gonna give you the instructions  
10 again. The same instructions and the rules apply;  
11 you know, we keep our voices up, we try not to speak  
12 at the same time so the court reporter can get it  
13 down.

14 If any time you need a break, just go  
15 ahead and let me know. That's fine. The only  
16 caveat being is that if there's a question pending,  
17 you go ahead and answer it first. Okay?

18 A. Okay.

19 MR. LUCKNER: Let's see. Why don't we  
20 start with D-26. Right?

21 (Memo dated 6/26/15 to Latoya Thompson  
22 from Michele Skibinsky, Bates No. D-0163 thru  
23 D-0164 is received and marked D-26 for  
24 Identification.)

25 (Pause.)

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1 BY MR. LUCKNER:

2 Q. I show you what's been marked as D-26  
3 for Identification. It is a -- consists of two  
4 pages labeled D-0163 and 0164.

5 Have you ever seen this document before?

6 A. Yes.

7 Q. Okay. And can you tell me what this  
8 document is?

9 A. This is a One Time Final Warning for  
10 policy violation.

11 Q. Okay. And do you recall receiving this  
12 document?

13 A. Yes.

14 Q. Okay. And who provided this document to  
15 you?

16 A. Michelle Skibinsky.

17 Q. Okay. And were you aware that Liberty  
18 Mutual had a policy with regard to internet usage  
19 for employees?

20 A. Yes, I knew that there were certain sites  
21 that were blocked. However, we use the internet  
22 to do some aspects of our jobs.

23 Q. Okay. And this -- within this document  
24 it lists the company policy with regard to the  
25 internet. And I believe I showed you a full copy



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1 of that policy yesterday.

2 Do you recall that?

3 A. Yes.

4 Q. Okay. And were you aware that Liberty  
5 Mutual had generated an internet usage report for  
6 the three-month period of March to June of 2016 or  
7 '15 with regard to your internet activity?

8 A. I was made aware when it was presented to  
9 me, yes.

10 Q. Okay.

11 During -- during that period of time, did  
12 you use the internet for nonbusiness-related  
13 purposes at Liberty?

14 A. Yes, I did.

15 Q. Okay. And how often did you do so?

16 A. Basically, as my coworker Armando, I  
17 would listen to YouTube, a motivational speech and  
18 stuff in my headphones, and work. We had double  
19 monitors. So it was something that most employees  
20 did.

21 Q. Other than work-related internet usage,  
22 did you use it for personal use?

23 A. As I just explained, I would use it and  
24 listen to motivational messages on YouTube, which  
25 is something that all Liberty employees engaged

THOMPSON - Direct

1 in --

2 Q. Okay.

3 A. -- while working.

4 Q. Okay. So is it your testimony that other  
5 than listening to motivational speeches on YouTube,  
6 you didn't use the internet at Liberty for anything  
7 else personal?

8 A. That is not correct to say.

9 I used the internet. I don't recall  
10 every site that I went on or everything that I did  
11 do, but it was common practice for Liberty Mutual  
12 employees to -- for example, Lauren Sanseverino used  
13 the internet to plan her whole wedding. Michelle  
14 Skibinsky will go on the internet and forward us  
15 articles that's not work related. It was a common  
16 practice for us to freely use the internet. But,  
17 of course, we weren't allowed to use certain  
18 sites. It would automatically be blocked.

19 Q. Okay. And as part of this case a -- the  
20 internet usage report for you was produced.

21 Did you have a chance to review that  
22 document?

23 A. I was not given the document, even though  
24 I requested it. I was told it was in the fraud  
25 department. And then -- that was by Jenese

THOMPSON - Direct

1 Q. Right. That's -- and I refer to those  
2 as the random midweek meetings.

3 A. Okay.

4 Q. So -- let's see. On the last page, that's  
5 your signature?

6 A. Yes.

7 Q. Okay. And if I -- if I read this one,  
8 it says, handwritten above it, Signature does not  
9 mean agreement, only compliance?

10 A. Yes.

11 Q. Okay. Is that your handwriting?

12 A. Yes.

13 Q. And as far as this written warning was  
14 concerned, you know, what is -- what is your  
15 understanding of the job performance at this point  
16 in time that needed to be improved?

17 A. In a lump sum, I needed to work faster.  
18 That's what she said. I needed to go faster. I  
19 needed to do everything faster.

20 Q. Okay.

21 A. Uhm...

22 Q. And --

23 A. Oh, and in here, she stated, I have seen  
24 trends in your work which include resolution  
25 strategies that fail to recognize critical issues

THOMPSON - Direct

1 or inappropriate strategy, lack of execution of  
2 activities needed to bring claim to resolution or  
3 closure and ineffective inbox management, lack of  
4 proactive claims handling, and lack of receptiveness  
5 to coaching.

6 Q. Okay. And that's -- you're reading from  
7 the paragraph right below Areas of Concern?

8 A. Correct.

9 Q. Okay. So -- and I think that you said,  
10 in a nutshell, in total, she wanted you to work  
11 faster?

12 A. Whenever -- whenever I asked, that's what  
13 I was told.

14 Q. Okay. And was that similar -- I know  
15 that we had talked yesterday about, I believe it was  
16 in the fall of 2014 when you had been on a 30-day  
17 written performance, and then it got extended for  
18 30 days. And you had told me that you were  
19 basically working twice as fast and twice as hard  
20 at that point in time, and that that satisfied  
21 Ms. Holt to take you off the written warning; is  
22 that accurate?

23 A. That was accurate.

24 Q. Okay. And Ms. Skibinsky basically  
25 telling you to work faster, do you think that she

THOMPSON - Direct

1 was looking for you to work even faster than you  
2 had been at that point in time?

3 A. Uhm --

4 Q. And when I say, that point in time, I'm  
5 referring to that fall of 2014 period.

6 A. I just want to say that from I started  
7 with Liberty I worked late. I always worked harder  
8 than my peers, which was why my disposition was the  
9 highest in the unit.

10 So it's never an issue where Latoya's  
11 working on -- on mild, for example, versus high.  
12 I always work on high, because I really -- I really  
13 take pride in my work product. And it has been  
14 validated through all those performance evaluation  
15 that says my work quality, my resolution  
16 construction, it's been concise, it's clear, and I  
17 execute.

18 Me not working fast enough, that's never  
19 been Latoya professionally. These write-ups were  
20 fabricated, and that's what was stipulated in it.  
21 The difference of being written up is now I'm  
22 working still on high with the anxiety over my head.  
23 So instead of going home at 6:00 o'clock, I'm not  
24 logging off until 10:00 o'clock.

25 Q. Okay. And when you say -- when you say

THOMPSON-Direct

1 now, so ...

2 Q. Okay.

3 A. But it was in the morning.

4 Q. Is it between -- before 10:00 o'clock?

5 A. Usually. I think so.

6 Q. Okay. And you had -- you said you had  
7 come to give in your note that day --

8 A. Yes.

9 Q. -- with regard to going out?

10 A. Because I was taken out of work.

11 Q. Okay. So you already had your doctor's  
12 note --

13 A. Yes.

14 Q. -- on the 28th?

15 And when did you get the note from your  
16 doctor putting you out as of the 28th?

17 A. The night before.

18 Q. Okay. So the night of the 27th?

19 A. Yes.

20 Q. And that was the last day of your  
21 probation period; right?

22 A. Yes.

23 Q. And did you give Michelle the note at the  
24 huddle?

25 A. No, I -- I -- I didn't get a chance to

THOMPSON-Direct

1 sit with Michelle.

2 At the huddle she comes and she says  
3 whatever. They ended up giving me a gift card and  
4 a team -- the team presented me with a gift for the  
5 baby.

6 Q. Okay.

7 A. And it was weird. She said to me, Do  
8 you have anything to say? Which she never, ever  
9 even acknowledges me at the huddle. And if I have  
10 any input, she rolls her eyes or looks to the floor  
11 or -- or cuts me off.

12 So that was odd. But the team was really,  
13 you know -- they presented me with a team gift for  
14 my ...

15 Q. Okay. And did you say anything to the  
16 group when she asked if you wanted to say anything?

17 A. No. It was a awkward time to speak. It  
18 was just weird. I don't know -- you know, I had  
19 already said thank you. But this is at the -- this  
20 is before they presented me with a gift. This was  
21 early in the meeting.

22 Q. Okay.

23 A. And it was awkward.

24 Of course after I got the gift I said  
25 thank you to the team, you know, but that was the --

THOMPSON-Direct

1 the closing of the meeting.

2 Q. Okay. And after the meeting ended, did  
3 you go to Michelle to give her the note?

4 A. No. Michelle was in some sort of meeting.

5 Based on that, I went to my desk and I  
6 started trying to clear my -- my desk. And I was  
7 -- actually, I had a claims review, if I remember  
8 correctly. So I had to be there to work something  
9 that day. And I was on the phone for a while.

10 Q. Okay. And while you were still at work,  
11 did Ms. Skibinsky reach out to you at all?

12 A. While I was on a phone call, I got a  
13 message on my phone -- on my computer saying,  
14 Hey, can you come here? Which she normally does  
15 these random meetings.

16 And I messaged her back and I said, I'm  
17 on a call. Can I come after? 'Cause it was a  
18 really important call with a customer.

19 And she said, Sure. I'm in a conference  
20 room.

21 Q. Okay. And when you got off the call  
22 did you go and meet her in the conference room?

23 A. When -- by the time I got off the call  
24 and stood up, I started feeling like a shock in my  
25 back. I walked to the conference room right by



THOMPSON-Direct

1 the receptionist to see her. She was not there.

2 I then went to the restroom and I started  
3 having cramps. And I called my doctor and I was  
4 scared. I went back to my desk and I said, Hey,  
5 guys, I'm actually out, but I got to go to my  
6 doctor. I don't know what's going on.

7 Some of my coworker offered to drive me.  
8 And I stated that a cousin of mine was coming to  
9 meet me, but the doctor said to come immediately.

10 And I sent an e-mail to the team about  
11 this saying I need to clear my desk. If I'm okay,  
12 I'll come back to clear my desk -- or whatever.

13 And on my way out with my bag, I see  
14 Michelle. She comes to me, Where you going? Very  
15 loud, in front of the whole team.

16 I said, I'm not feeling well. I  
17 actually came to the conference room to see you,  
18 but you weren't there.

19 She said, Oh, I was in another one.

20 I said, Well, I didn't know. And I just  
21 sent an e-mail. I'm actually not feeling good.  
22 And I literally was in tears.

23 She starts walking, Well, I just need you  
24 for a minute. Where are you going? Where are you  
25 going?

THOMPSON-Direct

1 I said, Michelle -- Michelle, I'm  
2 cramping. Like, I'm not feeling good. I'm sick.

3 She goes, Well, you can just come for a  
4 minute.

5 I said, Listen, I just spoke to my doctor  
6 and I'm going to my doctor. If anything, I'll come  
7 back and we can talk, but right now, I'm not feeling  
8 well.

9 She harassed me to the door. And I left  
10 and I went to my doctor. My blood pressure was  
11 through the roof.

12 Q. Okay. You said -- you said you told the  
13 guys that you were leaving.

14 Who are the guys?

15 A. The teammates.

16 Q. Which teammates did you tell?

17 A. Armando sits directly across from me.

18 I -- everybody was inquiring about me because I  
19 stated that I was feeling ill. And I was pregnant.

20 Q. Okay.

21 A. So it was a open discussion.

22 Q. Okay. So who else do you recall telling,  
23 besides Armando?

24 A. I think Kerry Lockburn -- Kerry  
25 Lockburner offered to -- to drive me.

THOMPSON-Direct

1 BY MR. LUCKNER:

2 Q. Okay. I'm showing you what's been marked  
3 as D-35 for Identification. This document consists  
4 of two pages labeled D-0220 and D-0221.

5 Have you ever seen these documents  
6 before?

7 A. No.

8 Q. Okay. Let's look at the bottom of the  
9 first page. It is a -- a UPS Next Day Air label.

10 Do you see that?

11 A. Yes.

12 Q. Okay. And it says, Ship to Latoya  
13 Thompson, Apartment 102, 51 Willow Lane, Roselle,  
14 New Jersey, 07203-307.

15 Do you see that?

16 A. Yes.

17 Q. Is that your address?

18 A. Yes.

19 Q. Okay. And then if you look at the next  
20 page, in the Tracking Detail, it says Delivered  
21 on August 2, 2016, at 9:50 a.m.

22 Do you see that?

23 A. Yes.

24 Q. It says, Left at front door.

25 Do you see that?

THOMPSON-Direct

1 A. Yes.

2 Q. Okay. Did you ever get an overnight  
3 package from Ms. Skibinsky?

4 A. No.

5 Q. But this is your address; correct?

6 A. Yes. Not at this time, I did not.

7 Q. Not at this time...

8 A. I did not.

9 Q. You didn't get a package?

10 A. No.

11 Q. Although this indicates that a package  
12 was left at the front door of the address where you  
13 reside; correct?

14 A. Yes. And that is because the front door  
15 is a shared front door. It's not my front door.

16 Q. This has your name on it though; right?

17 A. Yes.

18 Q. Okay. Who else has -- who do you share  
19 the front door with?

20 A. I don't recall the neighbor who was  
21 living there at this time. But it's a shared front  
22 door for two apartments. And that's how it is. So  
23 it's outside, and there are two doors. So it's two  
24 doors beside each other and two apartments on --  
25 for each door.

THOMPSON-Direct

1 Q. Is that your handwriting?

2 A. Yes.

3 Q. And it starts with an e-mail which  
4 begins on the bottom of the first page, which I  
5 guess gives your summary of the discussion of the  
6 results of the investigation that you had with  
7 Michael Polk?

8 A. Yes.

9 Q. And do you recall speaking with Mr. Polk  
10 on the 16th?

11 A. Yes. Per this documentation, yes.

12 Q. Okay. And is basically everything that  
13 you and Mr. Polk discussed set forth in this e-mail  
14 that you wrote to him?

15 A. I would -- based on my recollection,  
16 these were the strong points that came from that.

17 Q. Okay. And Mr. Polk had told you that  
18 he was unable to substantiate your concerns; is  
19 that correct?

20 A. Yeah. He said that they -- I mean, I  
21 guess -- I'll just read 'cause it will refresh my  
22 memory.

23 Q. Okay.

24 A. I said to him, Hi Mike, Thank you so  
25 much for taking time to meet me today. You provided

THOMPSON-Direct

1 the conclusion to my formal complaint and declared  
2 that based on documents and interview had, there  
3 was nothing to substantiate inappropriate behavior  
4 by my manager or any violation of policy. This is  
5 disappointing news given the extensive validation  
6 of all my claims submitted. It is now confirmed  
7 that Michelle Skib -- Michelle Skibinsky  
8 discrimination harassment and bullying tactics/  
9 behavior to me is condoned by our company having  
10 deemed not inappropriate. I asked if the specialty  
11 unit was interviewed as I had pointed out that I  
12 was singled out from the rest of the unit and held  
13 at a different standard. You noted only names  
14 mentioned in the investigations were interviewed.

15 Q. If I can just stop you there.

16 What does that mean, You mentioned only --  
17 you noted only names mentioned in the investigation  
18 were interviewed?

19 A. That's what he said.

20 Q. But what does that -- what does that  
21 mean?

22 A. He said to me that only the names that I  
23 gave him he interviewed.

24 Q. Okay. So it's the names that you gave him  
25 as people with knowledge of the complaint?

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CIVIL ACTION NO. 2:18-cv-06092-MCA-CLW

-----x  
LATOYA THOMPSON,

Plaintiff,

- vs -

DEPOSITION UPON  
ORAL EXAMINATION  
OF  
LATOYA THOMPSON

LIBERTY MUTUAL INSURANCE,

Defendant.  
-----x

T R A N S C R I P T of the Deposition  
of LATOYA THOMPSON, taken before DIANA L. R.  
SENATORE, Certified Court Reporter and Notary  
Public of the State of New Jersey, at the LAW  
OFFICES OF BRIAN M. CIGE, 7 East High Street,  
Somerville, New Jersey on Wednesday, November 14,  
2018, commencing at 10:04 a.m.

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CIVIL ACTION NO. 2:18-cv-06092-MCA-CLW

-----x  
LATOYA THOMPSON,

Plaintiff,

- vs -

LIBERTY MUTUAL INSURANCE,

Defendant.  
-----x

DEPOSITION UPON  
ORAL EXAMINATION  
OF  
LATOYA THOMPSON  
(VOLUME II)

T R A N S C R I P T of the Deposition  
of LATOYA THOMPSON, taken before DIANA L. R.  
SENATORE, Certified Court Reporter and Notary  
Public of the State of New Jersey, at the LAW  
OFFICES OF BRIAN M. CIGE, 7 East High Street,  
Somerville, New Jersey on Thursday, November 15,  
2018, commencing at 11:09 a.m.

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CIVIL ACTION NO. 2:18-cv-06092-MCA-CLW

-----x  
LATOYA THOMPSON,

Plaintiff,

- vs -

LIBERTY MUTUAL INSURANCE,

Defendant.  
-----x

DEPOSITION UPON  
ORAL EXAMINATION  
OF  
LATOYA THOMPSON  
(VOLUME III)

T R A N S C R I P T of the Deposition  
of LATOYA THOMPSON, taken before DIANA L. R.  
SENATORE, Certified Court Reporter and Notary  
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OFFICES OF BRIAN M. CIGE, 7 East High Street,  
Somerville, New Jersey on Wednesday,  
November 28, 2018, commencing at 10:17 a.m.

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